IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO.3971 OF 2005

Chandrashekhar M. Tembhe. ...Petitioner.
Vs.
State of Maharashtra & Ors. ...Respondents.

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Mr. Y. M. Pendse for the Petitioner.
Mr. V. P. Malvankar, AGP for Respondent Nos.1 and 2.
Mr. S. P. Thorat for Respondent Nos.3 and 4.

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CORAM : F. I. REBELLO AND
DR.D.Y.CHANDRACHUD, JJ.

February 16, 2006.

P.C.

The Petitioner approached this Court, seeking a relief amongst others, that the maximum age limit be relaxed and not to make any appointment pursuant to the result declared of the interviews dated 12th April 2005. No interim relief was granted. On behalf of Respondent No.3, it is pointed out that the persons who were selected have been appointed and have since joined. Considering that, in our opinion, in so far as those appointments are concerned, it will not be possible for us to interfere with the same.

The Learned Counsel for the Petitioner, however,

contends that there were altogether 18 posts. Out of these, only six appointments have been done. It is his contention that his case was rejected only because of age bar. On behalf of Respondent No.3, it is pointed out that the applicant's case was rejected not only on the ground of age bar, but also as he has not put in continuous employment. At this stage, we do not propose to go into the controversy as the Petitioner's case for unfair labour practice is pending before the Industrial Court.

Considering the G.Rs. dated 8th March 1999 and 17th August 2004, if the Petitioner applies for relaxation, then on the special facts of this case, Government to sympathetically consider the case of the Petitioner for relaxation of the age and pass appropriate orders accordingly. The entire exercise to be completed within six weeks of the Petitioner making an application. If the Petitioner's application for age relaxation is considered, Respondent No.3 to consider his case sympathetically, considering his contentions.

With the above observations, the petition is disposed of.

No order as to costs.

(F. I. Rebello, J.)

(Dr.D. Y. Chandrachud, J.)